

## TEACHING AND LEARNING IN CRIME AND CRIMINAL JUSTICE HISTORY: AN OVERVIEW

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### Introduction

After some decades in development, crime and criminal justice history is maturing as an area of academic study. Research on crime and criminal justice history is now established within the academy in Britain and other Western nations. It is conducted by historians, criminologists, sociologists, lawyers and others but coheres around a study of essentially the same subject matter – change and continuity in crime and criminal justice through time.<sup>2</sup> Hence, in this special issue, I use the umbrella term ‘crime and criminal justice history’ to encompass work on this topic undertaken in any academic discipline.

Stretching across countries and disciplines, there are several professional networks and academic journals which specialise in this area. These include [SOLON](#), which produces this journal, and the [International Association for the History of Crime and Criminal Justice](#), which produces [Crime, Histoire and Sociétés/Crime, History and Societies](#). The *European Journal of Criminology* recently devoted a special issue to historical criminology, which drew contributions from scholars based in Germany, Norway, Finland, Sweden, USA and Britain.<sup>3</sup> Routledge is currently producing a book series titled [SOLON Explorations in Crime and Criminal Justice Histories](#) and Bloomsbury are publishing a series on the [History of Crime, Deviance and Punishment](#). The [Social Science History Association](#) hosts a network dedicated to criminal justice and legal history and its annual conference, as well as that of the [European Social Science History Association](#), typically features streams on crime and criminal justice history. SOLON organise a number of conferences and the British Crime Historians Symposium is a regular event. Conferences, publications

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<sup>2</sup> Obviously there are differences in how academics from varied disciplines approach this area. For instance, criminologists may be more directly concerned with explaining the present than historians and can utilise different theoretical, conceptual or methodological approaches. But the subject matter (i.e. the history of crime and/or criminal justice) is the unifying and, in my view, most important factor in both disciplinary approaches.

<sup>3</sup> Sverre Flaatten and Per Jorgen Ystehede (eds.), ‘Special Issue: Historical Criminology’, *European Journal of Criminology*, 11 (2014), pp.135-141.

and networks all indicate that crime and criminal justice history now possesses a significant academic profile.

## 1 Maturation

This overview of the research landscape is brief, non-exhaustive and Anglocentric; it is skewed by the proclivities of search engines and by my own perspective. Nevertheless, it is sufficient to support the introductory point that crime and criminal justice history is becoming an established area for research within higher education. This is notable given the rather inauspicious beginnings of the subject area. Literature in this area tends to identify at least two main waves of academic work related to crime history.<sup>4</sup> The first wave is often designated as 'Whiggish' and usually identified as rising in the 1940s and 1950s. As in the work of Leon Radzinowicz, 'Whig' scholars tended to have a strong belief that progress, driven by logical or humanitarian advances in reason, rationality and efficiency can be identified as the main feature of historical changes in crime and criminal justice.<sup>5</sup> This consensual, optimistic vision was attacked in the 1960s and 1970s by a more radical second wave of crime historians. This second wave grew largely from social history as those attempting to write 'history from below' found that criminal justice records held valuable and rare information about the lives of ordinary people through the ages. Incorporating this interest in 'ordinary' people and influenced by Marxist ideas of the class struggle, academics such as E.P. Thompson, Douglas Hay, Robert Storch and others argued that the criminal law and criminal justice processes have been used by the ruling class to maintain and expand their position of social dominance.<sup>6</sup> Although he was not a Marxist, Michel Foucault's *Discipline and Punish* also utterly rejected the notion that progress and the exercise of reason typify the history of criminal justice processes.<sup>7</sup> Instead, Foucault's examination of the history of punishment connects social change to the exercise of different forms of power. By the 1980s, Whiggish views were deeply unfashionable.

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<sup>4</sup> See: Clive Emsley, *Crime and Society in England 1750-1900* (Pearson, 2010); Barry Godfrey and Paul Lawrence, *Crime and Justice 1750-1950* (Routledge, 2011); Barry Godfrey, Paul Lawrence and Chris Williams, *History and Crime* (Sage, 2008).

<sup>5</sup> See: Leon Radzinowicz, *A History of the English Criminal Law from 1750 Volume 1* (Stevens, 1948).

<sup>6</sup> E.P. Thompson, *Whigs and Hunters* (Penguin, 1977); Douglas Hay, 'Property, Authority and the Criminal Law', in Douglas Hay, Peter Linebaugh, John Rule, Edward Thompson and Cal Winslow (eds.), *Albion's Fatal Tree* (Peregrine, 1977), pp.17-64; Robert Storch, 'The Plague of the Blue Locusts: Police Reform and Popular Resistance in Northern England, 1840-1857', *International Review of Social History*, 20 (1975), pp.61-90.

<sup>7</sup> Michel Foucault, *Discipline and Punish* (Penguin, 1991).

Since that period, it appears that a third wave of crime history has arisen. This third wave routinely draws on history, criminology, sociology and law, as well as sometimes incorporating other disciplines such as psychology.<sup>8</sup> It involves a varying set of topical, theoretical and methodological concerns. For example, comparative studies of crime history, as well as more traditional local or national research, have been produced;<sup>9</sup> a significant amount of research has examined how constructions of gender and youth have shaped criminal justice processes;<sup>10</sup> sophisticated quantitative studies have deepened comprehension of how violence has changed through time;<sup>11</sup> innovative biographical research has improved understandings of crime and criminals in the past;<sup>12</sup> and the development of digital archives of court records, newspaper articles and other resources has opened up vast new avenues for future study.<sup>13</sup> Crime and criminal justice history has thus expanded and diversified. These changes have not reproduced the great scholarly schisms of old; the third wave tends to conform to neither the Whiggish nor Marxist schools of thought and subjects both these sets of ideas to scrutiny. Where progress is discussed, it is usually done so in a careful, nuanced style and, while class continues to be regarded by many as a crucial historical factor, it is rarely seen as the sole explanatory variable behind any important historical development. Disagreement is still common but tends to be less entrenched than in the past. Crime and criminal justice history has grown into a lively, innovative and discursive subject area.

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<sup>8</sup> For example, see Pinker's multi-disciplinary work: Steven Pinker, *The Better Angels of Our Nature: The Decline of Violence in History and its Causes* (Allen Lane, 2011).

<sup>9</sup> For example: Barry Godfrey, Clive Emsley and Graeme Dunstall, *Comparative Histories of Crime* (Willan, 2003).

<sup>10</sup> For example: Lucia Zedner, *Women, Crime and Custody in Victorian England* (Clarendon, 1991); Judith Rowbotham, 'Only When Drunk': The Stereotyping of Violence in Britain, 1850-1900', in Shani D'Cruze (ed.) *Everyday Violence in Britain 1850-1950* (Pearson, 2000), pp.155-169; Martin Wiener, *Men of Blood: Violence, Manliness and Criminal Justice in Victorian England* (Cambridge University Press, 2004); Heather Shore, *Artful Dodgers: Youth and Crime in Early Nineteenth Century London* (Boydell, 2002).

<sup>11</sup> See: Ted Gurr, 'Historical Trends in Violent Crime: Critical Review of the Evidence', in Michael Tonry and Norval Morris (eds.), *Crime and Justice*, 3 (1981), pp.295-393; Manuel Eisner, 'Modernization, Self-Control and Lethal Violence: the Long-Term Dynamics of European Homicide Rates in Theoretical Perspective', *British Journal of Criminology*, 41 (2001), pp.613-638.

<sup>12</sup> See: Barry Godfrey, Stephen Farrell and David Cox, *Criminal Lives: Family Life, Employment and Offending* (Oxford University Press, 2007).

<sup>13</sup> For examples of these resources, see: the Old Bailey Online (<http://www.oldbaileyonline.org/>) and the British Library's catalogue of historical newspapers (<http://gale.cengage.co.uk/british-newspapers-16001950.aspx>). For examples of the research these digital archives have facilitated, see: Judith Rowbotham, Kim Stevenson and Samantha Pegg, *Crime News in Modern Britain* (Palgrave, 2013); Henry Yeomans, *Alcohol and Moral Regulation: Public Attitudes, Spirited Measures and Victorian Hangovers* (Policy Press, 2014).

Crime and criminal justice history today has thus emerged from formative decades which were typified by the dominance of two successive and diametrically opposed theoretical orientations. It has ceased to be an adjunct of social history, valued primarily for the glimpses into 'ordinary' lives which it offers, and become a subject area in its own right. This subject area is supported by publications, scholarly networks and regular academic events. It has also been enriched by the production of varied, nuanced and innovative research within a discursive, rather than necessarily adversarial, academic context. Crime and criminal justice history has therefore matured as a subject area.

## **2 Pedagogical Value**

The maturation of crime and criminal justice history as a research area has coincided with its increasing establishment as an area for teaching and learning within universities. Internet searches reveal that dozens of institutions across Britain, North America and beyond now offer courses in some aspect of crime or criminal justice history. Such courses are available as components of both undergraduate and taught postgraduate qualifications. Some involve a particular concentration on crime or criminal justice within specific geographical areas, periods of time or criminal justice agencies, while many take the form of broad studies of crime and punishment in the modern period.<sup>14</sup> In autumn 2013, I created and ran one such crime and punishment in the modern period module at the University of Leeds called Crime, Law and Social Change. The idea of this special issue initially arose from helpful conversations I had with friends and colleagues about how to successfully deliver the course. Fortuitously, my own teaching preparation coincided with a series of closely related academic events. Firstly, in March 2013, the HEA sponsored a workshop on 'Teaching Criminal Justice History in the 21<sup>st</sup> Century' at the University of Wolverhampton. Secondly, Heather Shore and Helen Johnstone secured AHRC funding to create the 'Our Criminal Past' network and subsequently staged three workshops/conferences across 2013 and early 2014. Of the papers in this special issue, Rosalind Watkiss-Singleton's article grew from a presentation given at the Wolverhampton workshop and Drew Gray's article was first presented at an 'Our Criminal Past' event at Leeds Metropolitan University.

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<sup>14</sup> A few basic internet searches identifies crime history courses available at the following institutions: Arcadia, Birkbeck, Cardiff, Canterbury, Dundee, Edinburgh, Edinburgh Napier, Exeter, Illinois State, Kent, King's College London, Leeds, Leicester, Liverpool, New York, Northumbria, Oxford Brookes, Notre Dame (Indiana), Queen's University Belfast, Sheffield, Swansea, West Scotland, Warwick and York. These searches are quite revealing but clearly miss out a large number of relevant courses – especially outside of Britain.

Through planning and running my own module while attending and engaging with these events and networks, it became apparent that crime and criminal justice history holds huge pedagogical value. The value derives partly from the subject area's inherent multi-disciplinarity. Criminology is sometimes described as a 'rendezvous discipline', a place where other disciplines meet, and a similar point can be made about the area of crime and criminal justice history.<sup>15</sup> Modules in this subject area are typically delivered by historians, criminologists or sociologists and usually draw students from these three disciplines. But students from other disciplines will often choose to study this subject area too; around half the students who took my Crime, Law and Social Change module in autumn 2013 were studying for criminology degrees, about a third were pursuing qualifications in law and the remainder was made up of small numbers studying history, social policy, linguistics, English or geography. Discussions at the Wolverhampton workshop and at 'Our Criminal Past' events confirmed that this variety of student backgrounds is entirely usual when teaching this subject area. The situation mirrors the multi-disciplinarity of research (discussed earlier). As such, crime and criminal justice history offers students the opportunity to move beyond their usual disciplinary boundaries; for example, history students can learn about law, law students can learn about the process of criminalisation and sociology students can intensively study the past in a manner not typically available to them. In terms of learning, multi-disciplinary engagement thus has the potential to broaden students' subject knowledge and widen their theoretical, conceptual and methodological skillsets.

The wide appeal of crime and criminal justice history to students from a variety of disciplinary backgrounds rests, to an extent, on the topic's (seemingly) intrinsically interesting nature. 'Interesting' was probably the most common comment received as feedback from students on my module and, again, discussion with others has confirmed this is a usual experience across similar modules. In some respects, the interest exhibited may be slightly macabre; the Ripper murders or hanging, drawing and quartering often evoke a level of ghoulish fascination amongst students which other subject areas struggle to compete with. But there is clearly much more to the subject area than a 'horrible histories' type allure and a consideration of the relative pedagogical merits of crime and criminal justice to students of varying backgrounds

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<sup>15</sup> Quality Assurance Agency for Higher Education (QAA), *Criminology 2007* (Linney Direct, 2007), p.20.

will help demonstrate that. For history students, the benefits are perhaps least radical as studying the past is obviously the norm for them. It is significant, however, to reiterate the earlier point that crime and criminal justice history offers valuable knowledge about otherwise undocumented lives which is immensely valuable from a social history perspective. George Rudé's notions of 'survival crimes', which involve offending in order to survive, and 'protest crimes',<sup>16</sup> which are offences committed in the course of (usually) legitimate political protest, illustrate how this subject area is helpful for connecting social, economic and political structures to individual people's actions. Similarly the study of criminal law and the criminal justice process is often an illuminating tour through the history of thought and power. Knowing which behaviours were deemed licit and illicit at given points in time reveals much about the ideas, beliefs and values of law-makers and enforcers through the ages. Equally, as Foucault, Garland, Bauman and others have shown,<sup>17</sup> few things reveal more about the characteristics of a society in a specific historical period than how its wrong-doers are punished. So, even for those used to studying history, the specific uses of crime and criminal justice history go beyond the opportunity to revel in the gory details of past brutalities. The opportunity to learn about wrong-doing and punishment in past societies can add value to the history curriculum.

Students of sociology, criminology and law, who also choose in large numbers to study crime and criminal justice history, yield even more distinct benefits. Flaatten and Ystehede state that 'what's past is prologue' and so, in disciplines that make the present their primary object of study, studying history helps provide the background to the present or the story of how we arrived at where we are now.<sup>18</sup> Moreover, this historical 'prologue' helps people to relativize the present; learning about forms of policing which do not exist anymore, for example, helps students recognise that the existence of professional police forces across Western nations was not inevitable (and, as John Lea notes, their introduction in Britain was actively resisted by many<sup>19</sup>). Realising that a certain current state of affairs is not inevitable makes it easier to identify how it might be undesirable and how it might be improved.

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<sup>16</sup> Emsley, *Crime and Society*.

<sup>17</sup> Foucault, *Discipline and Punish*; Zygmunt Bauman, 'Social Issues of Law and Order', *British Journal of Criminology*, 40 (2000), pp.205-221; David Garland, *Punishment and Welfare* (Gower, 1985).

<sup>18</sup> Flaatten and Ystehede, 'What's Past is Prologue', p.135.

<sup>19</sup> John Lea, 'History and Criminology', (2006)  
<http://www.bunker8.pwp.blueyonder.co.uk/history/36801.htm> [Accessed on 30 April 2014].

Historical study further aids the development of such critical faculties by helping lawyers, social scientists and others analyse the present with more conviction and clarity. Thompson once commented that class is a historical relationship that is formed and exists in time, and so possesses ‘a fluency which evades analysis if we attempt to stop it dead at any given moment and anatomize its structure’.<sup>20</sup> I would make the same point about other forms of social relation which are shaped by power, such as gender or ethnicity, and also in regard to pertinent processes such as ‘othering’ or criminalisation. These social phenomena are all formed and exist in time, and hence all become more visible when we view their manifestations in society over years, decades or centuries, rather than through a snapshot of any single historical moment. By providing prologue, relativity and the fluent, formative vistas of hindsight, using historical knowledge to reflect on the present can substantially deepen analysis and critique.<sup>21</sup>

The pedagogical value of studying crime and criminal justice history to the four groups of students discussed (history, law, sociology, criminology) can be usefully understood as fostering familiarity with a triumvirate of factors: personal biography, social structures and historical context. For history students, certainly used to examining the links of personal biography and historical context, a close concern for criminal law, criminal justice processes or crime causation entails a focus on social structures. Law, sociology and criminology students will be accustomed to looking at how various social structures, such as legal codes or socio-economic stratification, can impact on individual lives but usually receive less opportunity to examine these relationships in any historical context. As such, for students of all backgrounds, crime and criminal justice history helps develop appreciation of the deep and multiple connections between personal biography, social structures and historical context. C. Wright Mills argued that understanding the linkages between these three things is the basis of what he called ‘the sociological imagination’.<sup>22</sup> Jock Young, moreover, has said that understanding crime in reference to these three things exhibits ‘the criminological imagination’.<sup>23</sup> While the adjective used to prefix ‘imagination’ seems determined by the discipline under consideration, the point here is that crime and

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<sup>20</sup> E.P. Thompson, *The Making of the English Working Class* (Penguin, 1991), p.8.

<sup>21</sup> Towards the end of historical lectures, I sometimes invite students to identify and discuss contemporary parallels of the historical subject matter which we have considered. For example, after considering the regulation of traditional forms of lower class in the nineteenth century we talk about binge drinking or dog fighting in the present day. It is gratifying to observe students’ ability to make historically informed comments about the present.

<sup>22</sup> C. Wright Mills, *The Sociological Imagination* (Oxford University Press, 1959), p.5.

<sup>23</sup> Jock Young, *The Criminological Imagination* (Polity Press, 2011), p.17.

criminal justice history holds significant potential for improving the ability of students from various disciplines to understand, analyse and critique the world they live in.<sup>24</sup>

Mills and Young are hopeful that enabling students to develop the sort of imaginations they identify will lead them to pursue and enact positive social changes. The ultimate effects may or may not be as far-reaching as this but the successful cultivation of analytical and critical skills through teaching and learning certainly resonates with some of the other objectives of higher education. QAA benchmark statements routinely describe desirable learning outcomes as including things like 'analytical ability',<sup>25</sup> capacity to 'appraise critically'<sup>26</sup> or the aptitude to 'assess the merits of competing explanations of human behaviour, social situations and events'<sup>27</sup> and make 'reasoned'<sup>28</sup> or 'critical' judgments.<sup>29</sup> Additionally, for students of not explicitly historical disciplines, historical study provides valuable opportunities to develop other practical skills. Concerns for ethics or personal safety prevent students from conducting much empirical research in social sciences and law. But, the retrospective timeframe of historical research means that ethics and safety are of less concern,<sup>30</sup> and the wealth of accessible (digital) archive materials mean that it is eminently possible to give students studying crime and criminal justice history research-based tasks to complete as individuals or in small groups (as Michael Conforti, Lesley Skousen and Drew Gray all discuss in their contributions to this issue). These sorts of tasks are again useful in contributing to certain desirable outcomes. QAA benchmarks refer to 'time planning and management',<sup>31</sup> being able to 'act independently in planning and undertaking tasks'<sup>32</sup> and 'working productively in a group'<sup>33</sup> as important generic or transferable skills which students should have

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<sup>24</sup> It is worth noting that John Fielding identifies a 'historical imagination'. I have included this only as a footnote, however, as he is referring to a slightly different attribute which allows students to imagine what life would have been like for people in past ages and thus engage with history on a deeper level than simply memorising dates and names. See: John Fielding, 'Engaging Students in Learning History', *Canadian Studies* (Special Issue New Approaches to Teaching History), 39(2) (2005), [http://www.educ.ualberta.ca/css/Css\\_39\\_2/ARFielding\\_engaging\\_students.htm](http://www.educ.ualberta.ca/css/Css_39_2/ARFielding_engaging_students.htm) [Accessed 30 April 2014].

<sup>25</sup> QAA, *History 2007* (Linney Direct, 2007), p.5.

<sup>26</sup> QAA, *Criminology 2014* (Linney Direct, 2014), p.17.

<sup>27</sup> QAA, *Sociology 2007* (Linney Direct, 2007), p.7.

<sup>28</sup> Ibid.

<sup>29</sup> QAA, *Law 2007* (Linney Direct, 2007), p.3.

<sup>30</sup> I would stress *less* concern. Rosalind Watkiss- Singleton's paper includes a reminder that ethics and safety can be an issue within some forms of historical research, such as oral history.

<sup>31</sup> QAA, *Criminology 2014*, p.14.

<sup>32</sup> QAA, *Law 2007*, p.3.

<sup>33</sup> QAA, *Criminology 2014*, p.14.



acquired by the time they graduate. More widely, being able to retrieve and analyse information, complete tasks by deadlines and think critically are frequently cited in pedagogical literature as important criteria of graduate employability.<sup>34</sup> Put simply, studying crime and criminal justice history can develop many of the skills and attributes which should improve students' job prospects in the long-run.

So, its capacity to facilitate student experiences of multi-disciplinarity, to improve analytical and critical abilities and to practise personal and project management-type skills, means that crime and criminal justice history is not just an interesting subject area, but also holds huge pedagogical value. It can make a positive contribution to graduate employability and deepen students' understanding of the world around them. However, this is clearly a challenging area for teaching and learning also. Some of the obstacles to teaching and learning within crime and criminal justice history are applicable to higher education more widely; for example, Lesley Skousen's article raises the wider issue of how courses can cultivate transferable skills and Drew Gray's paper identifies a common tendency for students to engage in their own learning only insofar as is necessary to, in a narrow and instrumental way, memorise what it is necessary to pass assessments. But, crime and criminal justice history entails other pedagogical challenges which are more idiosyncratic. Kim Stevenson's and Rosalind Watkiss-Singleton's articles both discuss weaknesses in the range of sources available to those teaching in this area and several papers raise the issue of how to effectively teach students from varying disciplinary backgrounds. Michael Conforti's paper, for example, raises the difficulty of teaching history to non-history majors at the same time as teaching legal issues to non-law students. While in some ways a strength of crime and criminal justice history, multi-disciplinarity is also a frequently-encountered problem.

Crime and criminal justice history has distinct and significant merits as an area for study, but it also presents a number of challenges to those teaching it. It is intended that the articles presented in this special issue will contribute to the capacity of those

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<sup>34</sup> See: Mantz Yorke, 'Employability: Aligning the Message, the Medium and Academic Values', *Journal of Teaching and Learning for Graduate Employability*, 1 (2010), pp.2-12; Cassandra Star and Sara Hammer, 'Teaching Generic Skills: Eroding the Higher Purpose of Universities, or an Opportunity for Renewal?', *Oxford Review of Education*, 34 (2008), pp.237-251; Simon O'Leary, 'Collaborations in Higher Education with Employers and their Influence on Graduate Employability: An Institutional Project', *Enhanced Learning in the Social Sciences*, 5 (2013), pp.37-50.

teaching this subject area to enhance the pedagogical merits of their courses and better meet the challenges they encounter.

### **3      *Teaching Crime and Criminal Justice History***

With reference to some aspects of crime and criminal justice history, the papers presented in this special issue deal directly with course design, assessment and the planning of classroom activities to support student learning. They also raise and discuss important pedagogical concerns, including teaching resources, student engagement, 'deep' learning and the fostering of transferable (or generic) skills.

The first article is by Michael Conforti and examines how courses on the history of crime and punishment can be designed to best facilitate student learning and development. Conforti provides an informative discussion of how some of the general problems of teaching this subject area, such as the varied backgrounds of students and the obligation to develop transferable skills in addition to subject knowledge and understanding, are manifested within the specific institutional setting where he works. Conforti's institution is run by the Society of Jesus and, accordingly, he considers how course design can be informed by Jesuit pedagogical traditions which valorise certain transferable attributes, such as communication and reflection. The article considers how this specific approach to teaching and learning, as well as wider pedagogical literature, can inform the design and delivery of courses on crime and criminal justice history. For example, Conforti describes the creation of assignments which require students to write in a variety of formats and act constructively on feedback they have received. Interestingly, the course also requires students to reflect specifically on how what they have learned about the past has changed their perceptions on aspects of the present, including criminal violence and political justification for punishment. Conforti thus aims to contribute towards the development of a 'signature pedagogy' which allows students to think and act in a manner required by this subject area while simultaneously acquiring transferable skills (such as communication and reflection) which allow them to understand and interact with contemporary society in an enhanced manner.

Kim Stevenson's article concerns the use of historical sources in teaching and learning. She makes specific reference to the topic of sexual offences in nineteenth-century England – a topic for which court reports are often unhelpful and so accurate and reliable primary sources are in short supply. Given this situation, Stevenson

makes a compelling case for the use of newspaper reports as historical sources. Nineteenth century newspaper sources do present their own challenges, especially linguistic; 'To maintain a respectable discourse certain linguistic codes and euphemisms were invoked to disguise sexually explicit material'.<sup>35</sup> Stevenson's paper, however, helpfully offers guidance on how linguistic and other obstacles can be surmounted. A series of case studies are presented which can be applied or adapted for teaching purposes. Four specific reports from *The (London) Times* of trials for sexual offences in the Victorian period are identified. A commentary is provided for each which gives ideas for how the source could be used to support student learning. Notably, a series of teaching and learning points are drawn out of each press report which relate to legal rules, practices and personnel as well as to gender roles and norms and prevalent attitudes to sex in the nineteenth century. Links are thus drawn between socio-historical context, legal structures and the personal experiences of the main protagonists in each trial. Stevenson's paper thus provides a practical solution to a shortage of appropriate sources for teaching some topics and offers valuable ideas for how beneficial student learning experiences can be engendered.

Rosalind Watkiss-Singleton's article also relates to the selection and employment of primary sources to teach crime and criminal justice history. Paying specific attention to workplace theft and operations of the 'black' or 'grey' markets in the mid-twentieth century, Watkiss-Singleton explains how police recorded crime statistics and official documents offer only a limited insight into criminal behaviour. She argues that the use of oral testimony can supplement these sources by providing insights into offences which were never recorded by the authorities, as well as by illuminating the motives and attitudes of perpetrators, victims, witnesses and other contemporaneous actors. Of course, oral history could be used to inform teaching; but Watkiss-Singleton goes further and argues that students could be required to more actively engage in oral history research in one of two ways. Firstly, students could be required to analyse recordings or transcripts of oral interviews relating to crime which are available online from a variety of organisations. Secondly, students could, assuming ethical and personal safety guidelines are adhered to, be asked to conduct their own interviews. The article provides advice, guidance and links to useful resources which will aid in the development of either of these types of learning

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<sup>35</sup> Kim Stevenson, 'Outrageous Violations: Enabling Students to Interpret Nineteenth Century Newspaper Report of Sexual Assault and Rape', *Law, Crime and History*, 4(1), p.45.

exercise. Ultimately, Watkiss-Singleton argues that engaging with oral crime history will 'help students to interpret the evidence, contextualise behavioural patterns, power relationships, perceptions of the law, and, importantly, to engage with existing sources in new ways, as the traditional sources are augmented with personal experiences'.<sup>36</sup>

In the fourth article, Lesley Skousen discusses how inquiry-based learning can be utilised when teaching the history of crime and law. Skousen is particularly concerned with the use of mercy in early modern English law and how its regular application illustrates the (often large) distance between the law on paper and the law in practice. It is argued that the use of mercy offers a window onto wider issues relating to class, gender and power within early modern society. In order to help students comprehend these issues, Skousen discourages over-reliance on statutory law in teaching and encourages a wider use of court records and resources such as English Books Online and Eighteenth Century Collections Online. These should provide a broader, more nuanced depiction of how the law really operated historically (and how it was often less brutal in practice than it appears on paper). Importantly, Skousen discusses how these resources can be used for inquiry-based learning as students can be given questions to answer or topics to investigate which entail locating and analysing relevant historical sources. This helps students acquire and practise important transferable skills such as project management and critical analysis. So, studying topics such as the use of mercy in history not only fosters student comprehension of early modern society, it also develops other skills likely to improve their wider academic performance and employability.

The final contribution to this special issue is a discussion paper by Drew Gray which documents a fascinating assessment exercise he has developed and employed while teaching on crime, policing and punishment in the eighteenth and nineteenth centuries. Prompted by a desire for students to engage broadly and deeply in their own learning, as well as disillusionment with the capacity of more traditional forms of assessment to realise this desire, Gray required small groups of students to stage dramatic reconstructions of historical trials. Groups of students are instructed to use the Old Bailey Online to identify a case before researching and acting out the case. They are awarded marks for the reconstruction and for individual analyses of the

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<sup>36</sup> Rosalind Watkiss-Singleton, "'Crime? No It Wasn't Really a Crime": Using Oral History and Memoirs to Teach Crime History', *Law, Crime and History*, 4(1), p.82.

trials selected. This assessment practice has been enabled by the 'digitization "revolution"'<sup>37</sup> but it can also be located within pedagogical thought. Gray's endorsement of dramatic reconstruction exercises echoes a few other historians<sup>38</sup> and, more widely, is consistent with an emphasis on active learning within recent pedagogical literature.<sup>39</sup> Most helpfully, however, Gray shows how this type of assessment can be effectively utilised when teaching crime and criminal justice history. He details instructions, guidance and resources which students are directed to as well as the use of other technologies, such as virtual learning environments, to facilitate student group work. This is an interesting, innovative assessment and its inclusion here as a discussion paper is partly intended to invite comment.

#### **4 Future Directions**

This special issue is not an exhaustive exploration of teaching and learning in regards to crime and criminal justice history. Nor is it a complete 'how to' guide to best practice. The papers in this special issue are, however, a contribution to wider, ongoing debates about how crime and criminal justice history can be effectively taught and how student learning can best be facilitated. The papers discuss how some of the problems encountered in this subject area can be overcome and how many of the benefits of learning about crime and criminal justice history can be maximised. This is partly in the sense that enabling students to learn about individuals' lives (through trial records, oral sources or press reports), to become more familiar with social structures (including class, gender, law and punishment) and to appreciate how these differ or remain constant between historical contexts is important for the development of the critical, analytical faculties designated earlier as the sociological or criminological imagination. But, additionally, the opportunity to embed important transferable skills into courses in this area is raised and explored in several papers. As well as being an interesting and important topic, crime and criminal justice history can thus be crucial for fostering students' intellectual and personal development.

These pedagogical merits are among the factors that have shaped the development of teaching and learning in crime and criminal justice history. The subject area has come a long way and will clearly continue to develop in future. The extent or form of

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<sup>37</sup> Drew Gray, 'Putting Undergraduates on Trial: Using the Old Bailey Online as a Teaching and Assessment Tool', *Law, Crime and History*, 4(1), p.105.

<sup>38</sup> For example: Fielding, 'Engaging Students in Learning History'.

<sup>39</sup> Since 2000, Sage have published *Active Learning in Higher Education*, a journal devoted to this form of learning.

future change is hard to predict and, as well as the characteristics of teaching and research identified here, will be influenced by government policies, research funding bodies and other wider forces. It is certainly feasible that crime and criminal justice history will expand its academic footprint further and courses, perhaps even entire degree programmes in this area, could proliferate. Whatever the future holds, it is hoped that the papers presented here help others working in this maturing field of study to establish and deliver successful courses.